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**Human rights questions: human rights questions, including  
alternative approaches for improving the effective enjoyment  
of human rights and fundamental freedoms**

## **Elimination of all forms of religious intolerance**

### **Note by the Secretary-General\*\***

The Secretary-General has the honour to transmit to the members of the General Assembly Addendum 2 to the interim report on the elimination of all forms of religious intolerance, prepared by Abdelfattah Amor, Special Rapporteur of the Commission on Human Rights, in accordance with General Assembly resolution 54/159 of 17 December and concerning his visit to Bangladesh of 15-24 May 2000.

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\* A/55/150 and Corr.1 to 3.

\*\* In accordance with General Assembly resolution 54/248, sect. C, para. 1, this report is being submitted on 9 August 2000 so as to include as much updated information as possible.

# Interim report of the Special Rapporteur of the Commission on Human Rights on the elimination of all forms of intolerance and of discrimination based on religion or belief

## Addendum 2

### Situation in Bangladesh

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## I. Introduction

1. From 15 to 24 May 2000, the Special Rapporteur on the elimination of all forms of intolerance and of discrimination based on religion or belief visited Bangladesh, at his own request, and at the invitation of the Government of Bangladesh. The Special Rapporteur visited Dhaka (15 to 21 May, 24 May) and the Chittagong Hill Tracts in Rangamati (21 to 23 May).

2. During this visit, the Special Rapporteur spoke with government authorities (Minister of Foreign Affairs, Minister of Religious Affairs, Minister of Justice, Minister of Education, Minister for the Chittagong Hill Tracts, Secretary for Foreign Affairs, Secretary for the Interior, Secretary for Women and Children, Secretary for the Chittagong Hill Tracts), the Chief Justice and authorities of the Chittagong Hill Tracts (Deputy Commissioner; Mr. Shantu Larma, President of the Regional Council; and representatives of the Rangamati Hill Council District). He also spoke with a representative of the Islamic Foundation in Dhaka.

3. The Special Rapporteur was also able to speak with representatives of the Muslim community and of the Buddhist, Christian, and Hindu minorities, and also met with representatives of the ethnic<sup>1</sup> communities (essentially those living in the Chittagong Hill Tracts). Lastly, the Special Rapporteur met with a number of non-governmental organizations (such as Ain o Salish Kendro (ASK), the Coalition for Human Rights (ODHIKAR), and Land Rights and Development, as well as a number of experts and prominent personalities (including Kamal Hossain, Special Rapporteur on Afghanistan and former Bangladeshi Minister of Foreign Affairs) and visited several places of worship.

4. The Special Rapporteur would like to thank the authorities for their full cooperation during this visit, which he was able to conduct in complete liberty and without hindrance.

5. The Special Rapporteur focused his attention on the legal aspects of freedom of religion or belief, on the influence of politics on the freedom of religion or belief, as well as on the status of women.

6. The Special Rapporteur would like to begin by presenting the following data and statistical considerations. According to the most recent census carried out in Bangladesh, in 1991, the religious distribution among the population is as follows:

– Muslims	88.3 per cent
– Hindus	10.5 per cent
– Buddhists	0.6 per cent
– Christians	0.3 per cent
– Other religions	0.3 per cent

7. This census does not include information about non-believers. According to the Minister of Education and representatives of non-governmental organizations interviewed, there are very few atheists in Bangladesh. Most atheists are members of elite circles, and do not publicly admit their belief, because this would be perceived negatively by society.

8. The Ministry for Foreign Affairs provided the following statistics about places of worship and religious officials.

Places of worship	
Mosques	192,800
Temples	20,000
Pagodas	1,700
Religious officials	
Imams	192,800
Porohits (Hindu)	20,000
Shromon/Vikhu	3,500

The Ministry for Foreign Affairs informed the Special Rapporteur that he had no information concerning Christian places of worship or Christian religious officials.

9. We should note that whereas Muslims, Hindus, and Christians are distributed across the entire country, Buddhists live mainly in the Chittagong Hill Tracts.

10. In order to give a more accurate impression of this religious landscape, we should also mention

<sup>1</sup> The Special Rapporteur has used the term “ethnic communities” subject to the clarifications to be found later in the report, and with the understanding that the terms used by indigenous populations are also pertinent. The term “tribes” was also frequently mentioned during the Special Rapporteur’s consultations.

Bangladesh's ethnic communities, which make up slightly more than one per cent of the population and are mostly located in the Chittagong Hill Tracts and on the plains of the Greater Dinajpur, Rajshahi, Mymensingh, Sylhet, and Tangail Districts. According to information gathered from non-governmental sources, those ethnic groups are the Bongshi/Rajbongshi, Bawm, Buna, Chakma, Koach/Koch, Garo/Mandi, Hajong, Harizon, Khami, Khasi/Khasia, Khyang, Lushai, Mahat/Mahatu, Marma, Manipuri, Mro, Mong, Munda/Mundia, Murang, Pahari/Paharia, Pankue/Pankho, Pathor, Rajbansi, Sak, Saontal/Santal, Tanchangya, Tipra/Tripura, Urang/Oraon, Uruo/Urua/Uria, etc. Among these communities, the largest are, in descending order, the Chakma, the Santal, the Marma, the Tipra, and the Garo. With regard to the Chittagong Hill Tracts, non-governmental specialists say that whereas the Marma, the Chakma and the Tanchangya are Buddhist communities, smaller ethnic communities that were originally animist, such as the Bawm, the Lushai, and the Pankho, are gradually converting to Christianity, as a result of missionary activity. Outside the Chittagong Hill Tracts, the Garo (who have their own religious traditions, which are reminiscent of animism) are mostly Christians. According to the same sources, the Koch, Hajong, Pathor and Manipuri are Hindu communities. The Santal have preserved their animist traditions, but they have been influenced by Hinduism, and some have converted to Christianity. According to the experts consulted, conversion to Christianity has been taking place since the British colonial period, and that this process was preceded by the spreading of Hinduism in the northern and north-eastern border regions, and of Buddhism among the Chittagong Hill Tracts. There have been very few conversions to the Muslim faith.

11. With respect to the Chittagong Hill Tracts, the Special Rapporteur obtained non-governmental estimates indicating that ethnic communities, which formerly accounted for most of the population (97.3 per cent in 1947), presently account for 50 per cent of the population, due to the large (mostly Muslim) Bengali community. According to information provided by the Ministry for Foreign Affairs, the 1991 census found the following distribution of religions in Rangamati: 26,382 Muslims, 8,871 Hindus, 12,006 Buddhists, and 217 Christians. The same sources gave the following figures for the number of religious institutions in the Rangamati Municipal Area: 31

mosques, 8 mandirs, 10 Buddhist temples, 2 churches, 2 madrasahs, 4 orphan centres, 26 makhtabs, 5 Muslim graves, 3 burning yards, and 1 Christian grave.

## II. Legal aspects of freedom of religion or belief

12. Before we consider the Constitution and other legislation, we should note that Bangladesh is a party to the following international human rights instruments: the International Covenant on Economic, Social and Cultural Rights; the Convention on the Rights of the Child; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Political Rights of Women; the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages; the Convention on the Prevention and Punishment of the Crime of Genocide; the International Convention on the Suppression and Punishment of the Crime of Apartheid; the Slavery Convention; the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery; and the Convention for the Suppression of Traffic in Persons and the Exploitation of the Prostitution of Others.

### A. Constitutional provisions

13. The Constitution approved by the Constituent Assembly of Bangladesh on 4 November 1972 and promulgated on 16 December 1972 was suspended on 24 March 1982 by a military coup d'état, and then restored on 10 November 1986. Articles 39 and 41 of the Constitution guarantee freedom of religion and conscience and their manifestations, while defining certain limits.

14. Article 39 guarantees (a) freedom of thought and conscience; (b) the right of every citizen to freedom of speech and expression; and (c) freedom of the press, subject to any reasonable restrictions imposed by law in the interest of the security of the State, friendly relations with foreign States, public order, decency or morality, or in relation to contempt of court, defamation or incitement to an offence.

15. Article 41 provides that subject to law, public order and morality, (a) every citizen has the right to profess, practise or propagate any religion; (b) every religious community or denomination has the right to establish, maintain and manage its religious institutions; and that no person attending any educational institution shall be required to receive religious instruction, or to attend any religious ceremony or worship, if that instruction, ceremony or worship relates to a religion other than his own.

16. The Constitution guarantees the principle of non-discrimination (Articles 10, 27 to 29, and 121).

17. Article 10 provides that steps shall be taken to ensure participation of women in all spheres of national life.

18. Article 27 provides that all citizens are equal before law and are entitled to equal protection of law.

19. Article 28 provides that the State shall not discriminate against any citizen on grounds only of religion, race, caste, sex or place of birth; women shall have equal rights with men in all spheres of the State and public life; no citizen shall, on grounds only of religion, race ... be subjected to any disability, liability, restriction or condition with regard to access to any place of public entertainment or resort, or admission to any educational institution.

20. Article 29 provides that there shall be equality of opportunity for all citizens in respect of employment or office in the service of the Republic; no citizen shall, on grounds only of religion, race, caste, sex or place of birth, be ineligible for, or discriminated in respect of, any employment or office in the service of the Republic; nothing in this article shall prevent the State from ... giving effect to any law which makes provision for reserving appointments relating to any religious or denominational institution to persons of that religion or denomination.

21. Article 121 provides that there shall be one electoral roll for each constituency for the purposes of elections to Parliament, and no special electoral roll shall be prepared so as to classify electors according to religion, race, caste or sex.

22. The Constitution accords a special role to Islam, which is defined as the State religion.

23. The Amendment of 1977 defines the Muslim faith as one of the nation's guiding principles. Article 8,

paragraph 1 of the Constitution provides that "The principle of absolute trust and faith in Almighty Allah ... together with the principles derived from them as set out in this part, shall constitute the fundamental principles of state policy" ("Absolute trust and faith in the Almighty Allah shall be the basis of all actions"). This Amendment abrogated Article 12 of the 1972 Constitution, which stipulated:

The principle of secularism shall be realized by the elimination of communalism in all its forms: (a) the granting by the State of political status in favour of any religion; (b) the abuse of religion for political purposes; (c) any discrimination against, or persecution of, persons practising a particular religion.

24. The Amendment of 1988 states the State religion of the Republic is Islam but other religions may be practised in peace and harmony in the Republic (Article 2.A). Article 25, paragraph 2 provides that the State shall endeavour to consolidate, preserve and strengthen fraternal relations among Muslim countries based on Islamic solidarity.

25. The Chief Justice has stated that the Amendment of 1988 had no legal consequences with respect to religious communities, especially minorities, nor with respect to the country's jurisprudence. He further stated that in any case, the Constitution stipulated that Bangladesh was bound by the international instruments it had signed. He added that the sharia did not constitute the basis of the country's legislation.

## **B. Other legal provisions**

26. According to information gathered from the authorities and from non-governmental organizations, there is no specific law regulating freedom of religion and belief. However, there are laws in force protecting religion or having an impact either in areas perceived as being a matter for religious officials, or on minority religions. There are also a number of *religious personal laws*.

### **1. Religious personal laws and other rules of positive law**

27. Religious personal laws, also known as family laws, relate for each community (Muslim, Christian, Hindu and Buddhist) to personal matters such as marriage, divorce, dowry, maintenance, guardianship,

inheritance, and restitution of conjugal life. These religious personal laws thus regulate specific questions, and are unique to each community, while civil and criminal law applies to everybody, regardless of religious affiliation. Asked by the Special Rapporteur whether such religious personal laws (for example, the discrimination against women in certain areas of Muslim and Hindu Family Laws, see sect. V) were compatible with the constitutional principle of equality and with international human rights instruments, the Ministry for Women and Children and the Chief Justice replied that no difficulty arose in this regard. It appears, on the basis of the consultations held with these authorities, that religious personal laws conform to the constitutional principle of equality, on the grounds that religions do not discriminate on the basis of gender, and that positive-law legislation guarantees the principles of the Constitution, especially equality based on gender. The Secretary for Women and Children said that polygamy was not contrary to human rights, firstly, because of it conformed to Islam, and secondly, because under the positive-law provisions regulating polygamy, husbands were obliged to request permission from the first wife before taking another wife. The Ministry for Foreign Affairs explained that religious personal laws applied in specific areas, such as marriage and divorce, and that it was also possible to appeal to positive law and, in accordance with the Constitution, to appeal to the courts whenever a dispute arose. The Secretary for Women and Children and her colleagues explained that, for example, divorce could, under Muslim Law, occur through repudiation of a wife by the husband, but that in order to protect the woman from all forms of arbitrary divorce, there was a law stipulating that such divorces should be granted by a court (the aim being to ensure that women were able to enjoy certain rights, such as a pension). It was emphasized that religious personal laws may not be infringed.

28. According to Law Professors at the University of Dhaka, the country's Jurisprudence has made considerable progress, with judges increasingly disposed to give precedence to constitutional provisions regarding non-discrimination (Articles 27-29) and to the right to the protection of the law over all incompatible provisions of religious personal laws (Article 31: To enjoy the protection of the law, and to be treated in accordance with law, and only in accordance with law, is the inalienable right of every citizen, wherever he may be ... and in particular no

action detrimental to the life, liberty, body, reputation or property of any person shall be taken, except in accordance with law). The Professors also noted that precedents had been obtained in the area of childcare (the High Court judgement on child custody in the case of Abdul Jalil and others v. Mrs Sharon Laily Begum (civil) established equal rights for Muslim women in this respect; Bangladesh Legal Decision, BLD. vol. 18, AD 1998:21). However, the consultations revealed that greater progress was needed, both with respect to all communities (including minorities) and with respect to all problematical areas, such as inheritance (see sect. V).

## 2. Penal code

29. The penal code provides measures specifically related to freedom of religion and its manifestations. Article 295 provides for imprisonment of a maximum of two years, and/or a fine, in the case of any attack on places of worship and sacred objects (for example, by acts of destruction or other damage). Article 295.A provides for the same penalties in the case of any insult — whether actual or intended — directed against religious beliefs or feelings. Article 296 protects religious worship and religious ceremonies against any attack, and punishes such attacks with a prison sentence of a maximum of two years and/or a fine. Article 297 sanctions in particular any act of desecration — for example of a tomb or a place of worship — with penalties identical to those provided for under Article 296. Lastly, Article 298 provides for imprisonment of a maximum of one year, and/or a fine, in the case of any intention to offend against a person's religious feelings — notably by means of a sound, a word, a gesture or an object.

## 3. Vested Property Act

30. According to information provided by non-governmental sources, the Vested Properties Act derives from the Enemy Property (Custody and Registration) Order II of 1965, promulgated in Pakistan following a brief war between India and Pakistan in September 1965. According to the information received, this order was directed against the Hindu minority (perceived as an enemy), and was used as an instrument for appropriating land belonging to Hindus accused of supporting India.

31. After Bangladesh won independence from Pakistan, the President of Bangladesh, in his Order

No. 29 of 1972, changed the nomenclature to Vested Property Act, without altering the content of the law. According to information from non-governmental sources, the Government of Bangladesh has, within the framework of this law, taken possession of property declared to belong to the enemy, by appropriating the property of members of the Hindu minority who had migrated to India, or by appropriating the property of people who were heirs or co-owners. Furthermore, to this day, interest groups and individuals continue to appropriate property belonging to the Hindu community, and indeed to do so with the complicity of the authorities and of influential people. In a significant number of cases, Hindus are dispossessed of their property, even when they are the legal owners of such assets. According to non-governmental sources, Clause 2 of Order No. 29 of 1972 states that none of these grounds may be challenged by a court. Furthermore, neither the Order nor the Vested Property Act has ever been revised.

32. According to the non-governmental sources, at least two million acres of land have been seized from Hindu landowners under the Vested Property Act. This law represents a major source of insecurity and of human rights violations against the Hindu community. It also affects the northern Hurokh/Oroan tribes, which are not Hindu, but are perceived as such because of their Hindu roots. In the view of non-governmental organizations, it is therefore clear that the Vested Property Act is detrimental to minorities and to the religious harmony of Bangladesh.

33. In December 1998, the Government set up a parliamentary subcommittee under the Ministry of Land, to repeal the Vested Property Act and reinstate the vested property to the original owners. This committee has prepared a bill, which is due to be presented to Parliament. It appears, however, that this bill would present serious problems. According to the non-governmental sources, the bill provides that properties legally vested under the ownership of the Government and those declared to be enemy or vested property after 16 February 1969 will not be considered as vested property after the said period. Most Hindu property, however, was declared vested property after that date. The bill also states that the proprietorship status of the vested property will not be challenged if the property was transferred to the Government, a government institution, or to a private individual, has been sold or has been handed over permanently by the

Government at the directives of a court. It will not even be possible to challenge such cases in court. According to the non-governmental organizations consulted, these provisions are contrary to the spirit and objectives of the bill. The bill also provides that if the original owners do not submit their ownership documents to a court within 180 days following promulgation of the law, their property will be acquired by the Government. This time period is considered too short by the Hindu community. Lastly, the bill provides that in the event of the decease of the original owner, rights of inheritance shall apply in accordance with Hindu religious personal laws. Hindu women would therefore be automatically excluded from inheritance, since Hindu religious personal laws do not accord any rights of inheritance to women. The bill, which is still in the study phase, therefore presents major difficulties.

### **III. Influence of the political sphere on freedom of religion or belief**

#### **A. Consultations with the authorities**

34. Most of the official sources consulted — the Minister of Foreign Affairs, the Minister of Justice, the Minister of Religious Affairs, the Minister for the Chittagong Hill Tracts, the Secretary for the Interior, and the Chief Justice — said that the Government was in favour of secularism, and operated within the framework of the Constitution, which was based on the principles of non-discrimination and freedom of religion and belief. They believed that Bangladesh was a country characterized by harmony among the various religious communities, and especially between the Muslim majority and non-Muslim minorities.

35. The Minister of Religious Affairs noted that freedom of religion and of religious practice was guaranteed under constitutional and penal laws, as well as under religious personal laws, and that each community had a right to define its own religious institutions. He said that the State would not interfere in communities' internal religious affairs. He added that public funds were allocated to these communities (including the Islamic Foundation, Buddhists, Hindus, and Christians) and that these funds were regulated by Government ordinances (for example, the Hindu Religious Welfare Trust Ordinance of 1983, amended by the Ordinances of 1985, 1986 and 1989; the Buddhist Religious Welfare Trust Ordinance 1983).

The Special Rapporteur obtained information about the budget allocation for the welfare of religious institutions in the fiscal year 1999-2000: Muslims Tk 32,500,000; Hindus Tk 7,000,000; Buddhists Tk 1,500,000; Christians, Tk 500,000. Statistics were also provided regarding civil servants, showing the participation of religious groups in the Government (total workforce 4,286; Hindus, 410 or 9.6 per cent); Buddhists, 24 or 0.65 per cent; Christians, 5 or 0.11 per cent); and regarding government holidays in general applicable to all: Muslim, 4; Hindu, 2; Buddhist, 1; Christian, 1; optional holidays applicable to the religious groups: concerned: Muslim, 7; Hindu, 10; Buddhist, 4; Christian, 8.

36. The Minister of Foreign Affairs said that there had been incidents in the past, such as certain tensions among ethnic groups in the Chittagong Hill Tracts, and the isolated reactions of fanatics against the Hindu minority during the destruction of the Ayodhya Mosque in India. A Ministry for Foreign Affairs representative explained that the Government was doing its best to promote harmony in the community, and especially, like any other country, to combat any discrimination resulting from the weight of certain traditions, whose eradication would involve a lengthy process. He recalled the historical context of Bangladesh's accession to independence, which occurred within the context of enormous sacrifices and a struggle for democracy and freedom, including religious freedom. Stressing the difficult economic and social conditions in Bangladesh, which are common to all developing countries, he explained that the Government's efforts were aimed at demarginalizing poverty-stricken populations (especially through women's education programmes), and that this approach would help combat all forms of discrimination. He said that despite its economic problems, Bangladeshi society was both traditional and religious, and both tolerant and liberal. He noted that there were incidents involving minorities, but that the vast majority of incidents involved Muslims. The Minister of Foreign Affairs described the present situation as one of total harmony, especially with regard to the country's ethnic communities. He said that this was due in particular to the political solution provided by the Government to the question of the Chittagong Hill Tracts (a solution involving various measures, including promulgation of laws in favour of ethnic communities, the creation of a

Ministry for the Chittagong Hill Tracts, and a process aimed at restoring land to the ethnic communities).

37. The Minister of Justice stated that the conflict in the Chittagong Hill Tracts (see also sect. IV.C) was not based on religion. The Ministry and Secretary for the Chittagong Hill Tracts explained that since the signing of the 1997 Peace Accord, relations between Muslims and tribes of different religious confessions — Buddhist, Hindu, and Christian — were harmonious. Furthermore, all confessions were able to practise their religion under a secular regime. The Deputy Commissioner for Rangamati made a similar assessment. The Minister and Secretary for the Chittagong Hill Tracts noted that the Peace Accord was clearly being respected and applied, notably through the allocation of credits for development activities and for the restoration of temples destroyed during the conflict; the return of 64,000 refugees, who were provided with State assistance; the restoration of a civil administration committed to human rights and secularism; the withdrawal of over 70 military camps; and the establishment of a Land Commission, which was due to visit Chittagong shortly, in order to begin working towards a solution to land-related issues. Asked by the Special Rapporteur about allegations of human rights violations in the Chittagong Hill Tracts (see sect. IV.C), the Minister for the Chittagong Hill Tracts replied that army factions hostile to the ethnic communities had been rooted out, while the Secretary replied that he had not received any reports of forced conversions to Islam organized by Muslim extremists. The Minister of Religious Affairs said that all citizens — including Muslims — were free to change their religion, that the State was not in any way involved in the alleged cases of forced conversion, and that anyway, people did have the option of appealing to the courts. With respect to an alleged attack on a church in Rangamati, the Ministry for Foreign Affairs replied that according to the record of the Rangamati Pourashava and the testimony of Mr. Sankar Prashad Barua, a staff member of the Purashava Office, a Christian hostel at Bhandhiu Jishu Tila, in Rangamati Municipal Area, was partially damaged by a sudden outbreak of fire on 2 September 1999. A representative of the Ministry of Foreign Affairs stressed that the question of the Chittagong Hill Tracts was complex, but that the Government was sincere in its application of the 1997 Peace Accord, a process that required time. He considered that this was an ethnic problem, not a religious one.



38. Following his visit, the Special Rapporteur received a note from the Ministry for Foreign Affairs, stating:

The policies and programmes of the Government are designed to enlarge, and not restrain, freedom and essence of democracy with the prevalence of the views of not just the majority but the consideration of the opinion of the minority as well, be it religious or ethnic. The peacefully negotiated political solution to the Chittagong Hill Tracts issue is a unique example set, of providing, if not equal, but greater rights and opportunities to the minority tribal population, of primarily Buddhist origin in Bangladesh. The Government is fully committed to the protection and preservation of the socio-cultural heritage, including religious festivities of the tribal population of the CHT by providing fiscal, educational and social privileges and benefits to members belonging to different tribes and religion. The government allocated Tk 11,500 million in 1999-2000 for development activities in the CHT, which is considerably higher than the per capita annual budget spent for the socio-economic development in other non-tribal districts in the country.

The population density of the CHT area is only 78.2 persons per square kilometre, as compared to the much higher 755 persons per km<sup>2</sup> density nationally. The forestry resources in the area cover more than one third of the country's total forest reserves. The per capita income of the CHT is estimated at Tk 14,400 (1992/1993) against the national average of Tk 8,368. The literacy rate among the Chakma, the largest tribal faction, is nearly 60 per cent, which is higher than the national average of 52 per cent. There are more than 92 primary schools per 100,000 people in the area, against about 46 on average in the country. Similarly, there are 22 *thana* health complexes for a million population in the CHT, against 1 *thana* health complex for the same size of population in the rest of the country.

Social policy and administrative measures are also in place in line with constitutional provisions to enable and encourage better access of these minority tribes to the mainstream of national socio-economic and development activities. Special quotas are in place for them in the

educational institutions, as well as in the public service.

39. The Minister of Foreign Affairs stressed that although the Hindu, Christian, and Buddhist communities were in a special minority position, they benefited from the same principle of equality accorded to all citizens, including within the administration. The Secretary for the Interior said that Bangladesh did not experience any real difficulties in the area of religion — especially with regard to minorities — as demonstrated, in his view, by the growth of the Christian community (the result of active conversion among the various tribes). The Secretary for the Interior acknowledged that certain incidents did occur. Particular mention was made of the opposition of local Muslim leaders to the extension of an Anglican church in Dhaka. This opposition was motivated more by considerations of land than by religious considerations. Also mentioned were the attacks carried out over the last four years against the Ahmadi, by small political groups seeking to create instability. The Secretary for the Interior felt, however, that any sense of insecurity that might be felt by the country's minority groups was also felt by the majority. The Minister of Religious Affairs noted that the Ahmadi, who were fully recognized as Muslims in Bangladesh, were experiencing national security problems affecting all of Bangladesh. He added that the Government was taking the measures necessary to protect minorities. With regard to the incident at the Saint Francis Xavier Girls' High School in Dhaka (see para. 66), he believed that this was the only case of an attack against church property. He noted that a member of parliament had succeeded in reaching a compromise solution in this matter (which was in fact a land issue), and that the Prime Minister had visited the site (see also the reply by Bangladesh to the communication of the Special Rapporteur with regard to this incident, E/CN.4/1999/58, para. 36). The Secretary for the Interior said that in Bangladesh the main threat in this context was related to poverty, and especially to gender discrimination — both of which were crucial obstacles to development. The Minister considered that the fight against poverty and the improvement of public institutions, particularly legal institutions, and law and order institutions (plagued by a serious corruption problem) were key to the building of a modern society, and thus to the resolution of the various problems (including religious problems) faced by Bangladesh.

40. The Minister of Foreign Affairs stated that there was no real risk of religious extremism in Bangladesh, that the Government was in control of the situation, and that foreign funding of extremist groups, which had stemmed largely from the Middle East, had stopped. A Ministry representative made the point that Bangladesh was acknowledged by all international bodies as a moderate Muslim country that had rejected the religious extremism espoused by certain groups, which were closely watched by society and the State. The Minister of Justice noted that with respect to the use of religion for political purposes, Jamat-e-Islami was a tiny group, which had only three seats in Parliament, and thus did not enjoy the support of society in general, which wished to preserve a democratic, moderate State. The Secretary for the Interior held the view that religious extremists were very much in the minority, and that in any case, their parties were politically marginal. He noted that the activities of Islamic missionary groups funded from abroad were closely monitored by the authorities, as such organizations might prove problematical under certain conditions. With regard to religious extremism, the Minister of Religious Affairs stated that the Government was committed to secularism and, unlike the opposition parties, did not use religion for political purposes. He added that government authorities tried as far as possible to provide protection against extremism, but that they had to be careful not to infringe opposition parties' freedom of expression. The Minister of Justice said that the struggle against extremism required education, while the Secretary for the Interior noted that the democratic process enabled political parties to strengthen themselves, based on the principle of social integration. The Minister of Education believed that religious parties had little impact on society or political life. He said that these parties would be rapidly eliminated, except in cases where such parties formed alliances with other parties. However, he said that these parties could have an influence in certain madrasahs. He also noted that extremism was a global phenomenon, which could affect any country.

41. With regard to women and religion, the Secretary for Women and Children explained that in accordance with the Constitution, the secular State guaranteed equal rights for all and religious rights for every community. The Secretary recalled her Government's efforts to promote the advancement of women, in the light of a social situation that was prejudicial to

women. Those efforts included its decision to adopt a national policy for the improvement of the status of women and the formulation of a national plan of action for the implementation of the Beijing Platform for Action. In a voluminous report entitled "Government of the People's Republic of Bangladesh — National Action Plan for Women's Advancement: Implementation of the Beijing Platform for Action," the Special Rapporteur noted the following recommendations with interest:

Ministry of Land: Ensure equal ownership by women with men over Khas land distributed.

Ministry of Religious Affairs: Review curriculum of imam training from a gender perspective and insert sessions on women's and girls' issues and rights.

Ministry of Youth and Sports: Mobilization of youth of both sexes through youth clubs or other programmes to promote and ensure birth, marriage and death registration; to prevent child marriages and work actively against the practice of dowry.

Ministry of Law, Justice, and Parliamentary Affairs: Strong action to be taken against fatwas being used to victimize women — amend existing laws to prevent discrimination against women.

Local government Division: Enforce registration of all births, deaths and marriages.

42. This plan of action thus identifies problems affecting women and resulting in particular from practices or traditions that are either religious or attributed to religion. We should also note certain passages from Prime Minister Sheikh Hasina's declaration of 8 March 1997, concerning the National Policy for the Advancement of Women:

Women in Bangladesh have been subjected to exploitation and negligence for decades. In a society that is basically male dominated, women have always been oppressed by religious fanaticism, superstition, oppression and various acts of discrimination. The present Government is determined to bring out the womenfolk from their backward situation by improving their fate. To achieve this objective of the advancement of women, the comprehensive development and empowerment of women is to be ensured.

43. The Secretary for Women and Children noted that in the area of public-sector employment, a quota system had been introduced in favour of women. The Special Rapporteur was told how women's participation in economic life had been increased through credit programmes designed to encourage individual enterprise and managed by the Government and non-governmental organizations. With respect to the participation of women in political life, it was recalled that Bangladesh was the first country in the world in which two women had succeeded each other both as Prime Minister and leader of the parliamentary opposition. Furthermore, in addition to the 300 seats filled by direct suffrage in the constituencies, there were 30 parliamentary seats reserved exclusively for women.

44. With regard to the case of the writer Taslima Nasreen, who had been accused of blasphemy and threatened by Muslim extremists, the Secretary for the Interior said that the police had provided her with protection, and noted that she now lived abroad of her own free will, and was free to return to Bangladesh. He added that the police could guarantee her safety. The Minister of Justice considered that Taslima Nasreen had offended the religious feelings of the people, and noted that this was the only problematical case in a country of 128 million people.

45. With respect to the religious practices of women, the Secretary for Women and Children and her colleagues stated that there was no discrimination in this area. It was explained that women were free to attend mosques, but did not generally do so, and that certain mosques made special arrangements to accommodate women.

46. During his mission, the Special Rapporteur was informed about the Prime Minister's speech to members of the Madrasah Teachers' Association. In a newspaper article entitled "We do not want to use religion for political gains as was done in the past," the Prime Minister reportedly declared that Islam was the religion of welfare, service, peace and humanity, and urged the madrasah teachers to preach Islam to the people in an easy way. She reportedly said that religion was not at all affected during the rule of the present Government and that the government had taken every possible step for the development of Islam, including such projects as the beautification of Baitul Mukarram National Mosque by the construction of towers; an imam training project under the Imam Training

Academy; a mass-education programme conducted through different mosques; and provision for some 839 new madrasahs, while 1,156 others are going on (in 2000, the Government has reportedly listed 485 madrasahs for development).

47. The Special Rapporteur would also like to give an account of his consultations with a representative of the Islamic Foundation, an official institution created by the Government in 1975 (Islamic Foundation Act XVII.1975.). The Act creating the Foundation and the Amendment Ordinance of 1985 (Ordinance XXII, 1985) state that the Director-General shall be appointed by the Government, that the Board of Directors shall be constituted by State representatives, such as the Minister of Religious Affairs, and that the Foundation shall be financed partly by public funds. The Foundation, which is listed in its publications as an independent organization, aims to establish, manage and maintain mosques and Islamic centres, academies, and institutes; to undertake research on the contribution of Islam to science, culture, politics and civilization; to propagate and assist in propagating the basic Islamic ideals of universal brotherhood, tolerance and justice, to organize and promote studies and research in Islamic history, philosophy, politics, economics, culture, law and jurisprudence; to publish books, periodicals and pamphlets on the above-mentioned topics, to organize conferences, lectures, debates, and symposia on matters relating to mentioned topics; to institute prizes and medals for outstanding contributions in the field of Islamic studies; to award scholarships for Islamic studies; and to manage and develop the Baitul Mukarram National Mosque, and all other mosques which may subsequently come under the management of the Islamic Foundation. The representative of the Islamic Foundation explained that his institution had 64 district offices, 7 Imam Training Academy centres, and 28 Islamic Mission centres (which had trained over 4,000 muballigs and 3,000 maktab teachers). With regard to women, the representative of the Foundation submitted a document entitled "Introduction to Islamic Foundation Bangladesh", which states:

Islamic Foundation Bangladesh is very aware of the importance of women's role in nation-building activities. Women ought to have due share and ample opportunities in the social and religious spheres of life. Islamic Foundation provides adequate facilities in the Baitul

Mukarram Mosque for women during Eid congregations and other special occasions of national and religious importance. A separate section under the Department of Deeny-Dawat and Culture, which is totally staffed by women, organizes discussions, meetings, seminar-symposia, and other Islamic cultural programmes. Resource persons from amongst distinguished women, visiting female dignitaries, scholars and ladies of high rank speak at these functions exclusively to female audiences. These programmes have a far-reaching impact on women's participation in socio-economic and religious activities and help increase their knowledge of Islam.

The representative of the Foundation considered that, in accordance with the Constitution, every individual was free to practise his or her religion in Bangladesh. He said that Muslim extremists found no support in Bangladesh. With respect to the fatwas declared against women, he noted that they were not real fatwas, since they were not imposed by qualified people.

## **B. Consultations with non-governmental organizations and independent experts**

48. Non-governmental representatives and independent experts consulted by the Special Rapporteur said that State policies generally respected freedom of religion and belief, in the strictest sense of those terms, and also respected their manifestations, within the framework of the limitations provided by the law.

49. Paradoxically, however, it emerged that religious communities — more particularly minorities and ethnic groups, but also Muslims — encounter serious problems. Such problems arise sometimes or regularly, depending on the nature of the case and of the situations involved.

50. According to the non-governmental sources consulted, these problems in fact arise in two main contexts. The first involves relations between the State and religious communities (for example, restricted access for non-Muslims to public-sector employment, and especially to positions of responsibility, notably in the army and the police (see sect. IV.B)); the Vested Property Act, under which the assets of Hindus and the Hurukh/Oroan tribes are stolen (see paras. 30 to 33); and legislation affecting women (see sect. V) and relations between the State and ethnic communities

(for example, the delays in the implementation of the Peace Accord concerning the Chittagong Hill Tracts, and serious incidents against members of ethnic communities involving State officials, see sect. IV). The second context involves relations between the State and non-ethnic communities, particularly extremist religious parties. Here, it is glaringly obvious that there is a real and effective threat of religious extremism. That threat stems largely from religious parties such as Jamat-e-Islami, which are very active in their efforts to train Muslims by infiltrating mosques and madrasahs and engaging in political action. This extremism is notably responsible for the climate of insecurity that reigns among non-Muslim minorities, as well as among the Ahmadi Muslim minority community, among ethnic groups and among women, regardless of their religious confession (for example, the problem of the fatwas and the assaults on the physical and moral integrity of women. The fact remains, however, that it is the responsibility of the State that is in question — especially its responsibility to protect its citizens from intolerance and discrimination.

51. According to the non-governmental experts, these problems stem largely from exploitation of the religious domain by political parties seeking either to win or maintain power. It was stressed that extremist religious parties had introduced this practice of exploiting Islam for political purposes, and other parties had followed their lead, becoming caught up in the system. It was pointed out, for example, that the ruling party had — just like the Islamic parties, and notwithstanding its commitment to secularism — organized an electoral campaign employing Islamic symbols such as the Koran and the veil. This phenomenon seems especially worrying because, according to the non-governmental sources consulted, it continues to be used by parties after they are elected into office (Muslim symbols such as the reciting of the Koran remain a very prominent feature of State television and radio broadcasts). Thus, for reasons that are purely electoral, the authorities tend to ensure that their actions do not offend the Muslim majority, and especially their religious feelings, which in itself is a legitimate practice.

52. According to non-governmental representatives, this approach has the effect of rendering the authorities powerless in many areas, leading to inaction. For example, the Government tries to combat religious

extremism while being careful not to offend Muslims, and this is an extremely hazardous process. According to the experts, most of the population, afflicted by poverty and illiteracy, is committed to religion without truly understanding it. This makes it easier (especially for extremists) to manipulate this Muslim population, especially their religious orientation. Evidence of this is provided by the absence of a popular reaction against fatwas and by repeated instances in which extremists have recklessly and violently mobilized crowds against the Ahmadis and non-Muslim minorities (such instances occur during certain international events, such as the Gulf War, or during attempts to impose certain constraints or restrictions on the activities of minorities, to confiscate assets, etc.)

53. Despite the existence of institutions such as the Islamic Foundation, which function as tools for State education of Muslims, the Government's room for manoeuvre is limited, and sometimes reduced to zero, when electoral considerations prevail. According to the non-governmental experts, this explains the secondary importance accorded to minorities, for example with respect to their integration and advancement within State circles, with respect to the provision of adequate financial support for religious activities (religious education, for example) and religious institutions, and with respect to the protection of non-Muslims (intervention by the forces of law and order during attacks against minorities was said to be either half-hearted or non-existent, while action against those responsible was said to be often non-existent or ineffective). According to the non-governmental representatives, the Government's position, cited above, helps to explain the delays in the implementation of the Peace Accord concerning the Chittagong Hill Tracts, as well as the absence of measures designed to eradicate the remaining vestiges of polygamy and end legislation affecting vulnerable groups (minorities and women), or to provide a definitive sanction against the illegal practice of imposing fatwas. It also explains the half-hearted nature of the struggle against extremists responsible for attacks against the Ahmadis. Indeed, the fact that the authorities have recognized the Ahmadi community, despite its rejection as a community within Islam in most Muslim countries, could lead to controversy, fuelled by extremists, among the majority of Bangladesh's Muslim believers and religious officials, who are often poorly educated and traditionalist in their approach to Islam and its interpretations.

Development of this very sensitive question might place the authorities in difficulty with respect to the Muslim electorate.

54. Non-governmental sources also noted that these problems could not, of course, be dissociated from difficulties shared by most developing countries, such as the weakness of public institutions and the very difficult economic and social conditions.

### **C. Consultations with a representative of the Jamat-e-Islami party**

55. A senior representative of the Jamat-e-Islami party in Dhaka presented his organization as an Islamic movement similar to that of the "Muslim brothers," in the sense that it was not purely political and aimed to change society as a whole through democratic means (due to the absence of constraints in Islam) and Islamic means (through social and educational programmes aimed at training Muslims in the principles of Islam for use in both their public and private lives, based on the idea that Islam is a way of life). He explained that Jamat-e-Islami comprised 150,000 grass-roots militants and 12,000 officials distributed among the centre, the districts and the villages, as well as elected emirs and a Shura Council. He noted that his organization was historically linked to Pakistan, during the period when Pakistan included present-day Bangladesh, but that since independence there had been no further organizational links with the Pakistani Jamat-e-Islami. He recalled that his organization had, at the time, opposed Bangladeshi independence, but he rejected any suggestion that it had violated human rights during that period. He stated that Jamat-e-Islami was not an extremist organization, and stressed that it was opposed to all forms of intolerance and violence directed, not only at non-Muslims, but also at Muslims having a different interpretation of Islam. He condemned the use of religion for political purposes, but noted that Islam was not restricted solely to the realm of religious belief. He recalled that since 1976, when the constitutional prohibition of religious parties was lifted, Jamat-e-Islami had been able to resume its activities. He believed that the defeat of his organization in the recent parliamentary elections did not indicate society's rejection of an organization regarded as extremist, and was instead a reflection of the policies — and perhaps incompetence — of those leading Jamat-e-Islami at the time. He said that his organization was subject to political violence (which

was in no way religious in character) on the part of political parties, and that with the help of its education and training activities among the people, the organization's arguments would ultimately prevail, because its cause was just.

#### **IV. Situation regarding religion or belief**

56. The following information reflects consultations held with religious representatives, lay officials, and political representatives of the Muslim community as well as of religious and ethnic communities in the Chittagong Hill Tracts.

##### **A. Status of Muslims**

57. The Special Rapporteur was anxious to give an account of his consultations with representatives of the Muslim community in Bangladesh. He wishes to make it clear that due to the extraordinary diversity of Islam, there is no single representative of the Muslim faith. Consequently, this report includes accounts of interviews conducted with religious officials in Dhaka and the Chittagong Hill Tracts, as well as with an official from Jamat-e-Islami. It should be noted that within the framework of his consultations with Muslims, the Special Rapporteur has included an account of his interviews with the Ahmadiis, since they are fully recognized as Muslims by the Bangladeshi authorities. Of course, even the views of all the interviewees mentioned do not represent those of all Muslims in Bangladesh. They do, however, offer insight into the status of Muslims. These views are complemented by consultations with the authorities, non-governmental organizations, and independent experts, which are reflected in the section of this report dealing with politics in the area of religion and belief (sect. III). Reference might also be made to the interviews conducted among representatives of religious minorities and ethnic communities and, lastly, to the information provided about the status of women (see below).

58. Secretary Mowlana Aminul Islam, of the Lalbagh Shahi mosque, a representative consulted at the suggestion of the Imam of Dhaka, said that Bangladesh was a country characterized by religious harmony and universal freedom. He pointed out that minority groups — particularly Christian, Buddhist, and

Hindu — were not victims of incidents of any kind, and said that Muslim extremism did not exist in Bangladesh. With respect to the Ahmadiis, he said that they were not Muslims because they believed that Muhammad was the last of the prophets. However, he stated that the Ahmadi community was free to practise its religion, provided that they did not express their views in public, as this would cause problems among Muslims. With respect to the practice of Islam, he expressed his satisfaction at its importance in Bangladesh, particularly with regard to Friday prayers. He added that there were not enough mosques for all the faithful. He stated that there was one mosque that accepted women in Dhaka, and also said that in his view mosques were not places for women. With regard to Taslima Nasreen, he said that she was a mad woman, who had not been properly educated (that is, she was ignorant of Islam), and noted that a Muslim woman should not have behaved as she had. He concluded by saying that the return of Taslima Nasreen to Bangladesh would cause public anger, but that it would not be possible to kill her.

59. The imam consulted by the Special Rapporteur in Rangamati said that the status of Muslims in the Chittagong Hill Tracts was satisfactory, and that Islam was spreading fast in the region. He noted that the Muslim community had 40 mosques in Rangamati, but that there were places where the mosques were not large enough to hold all the assembled faithful, who were obliged to worship in the streets. He said that the mosques were forbidden to women and that Rangamati did not have a mosque able to accommodate them. He added that religious training was provided at four madrasahs, which were largely State funded.

60. The Ahmadi representatives described the status of their community, which is fully recognized as a Muslim community by the State of Bangladesh. They said that they were not hindered by the authorities and did not encounter tensions within society. However, they did stress the danger of Muslim religious extremism, which is fuelled from abroad, and has had an impact on their community in recent years. Particular mention was made of the January 1999 attacks that took place in the village of Koldiar, in Kushtia, against an Ahmadi place of worship and against Ahmadi worshippers; the explosion of a bomb at an Ahmadi place of worship in Khulna, on 8 October 1999, which killed several worshippers; the discovery of two bombs in the main Ahmadi mosque in Dhaka,

on 10 October 1999; and the attacks against an Ahmadi place of worship at Natore on 12 November 1999. The Ahmadi representatives believed that these events were directly linked to the actions of Muslim extremists who considered their community as heretical. Furthermore, they deplored the fact that in the majority of cases, the response of the forces of law and order was passive and/or ineffective. They believed that this response reflected the authorities' fear that efforts to combat extremists would translate into losses among the Muslim electorate.

61. The representative of Jamat-e-Islami in Dhaka said that there were no religious restrictions in Bangladesh, and that the constitutional recognition of Islam as a State religion had changed nothing, especially since there was a Muslim majority in Bangladesh. With regard to the Ahmadis, he recalled that Muslim communities — notably the Sunni and Shiite communities — had concluded that the Ahmadis were not Muslims. He said that Ahmadis had the right to exist as a community, but questioned whether they had a right to exist as a religious community. He rejected any suggestion that Jamat-e-Islami was responsible for the attacks on Ahmadi places of worship, attributing the attacks to religious fanatics, and even to the Ahmadis themselves. He said that his organization did not harass Muslims who had converted to another religion. He condemned the use of fatwas by unqualified persons. With regard to Taslima Nasreen, he said that the people's reactions to her were spontaneous and justified, and that those reactions had not been organized by Jamat-e-Islami. He stressed that it was wrong to insult a religion in the name of freedom of expression, but noted that the Taslima Nasreen affair had been blown up out of all proportion. He explained that Jamat-e-Islami had no objection to devout Christians or to a minority of Christians with whom common ground could be found. He rejected any allegation that Jamat-e-Islami was involved in attacks on Christians. With regard to Buddhists and Hindus, he said that these communities should be respected.

## **B. Situation with regard to religious minorities**

### **1. Buddhist minority**

62. The representatives of the Buddhist community said that they were able to practise their religion without interference from the authorities. However, they said that their community was in an unsatisfactory situation. With regard to the teaching of their religion in public schools, they lamented the fact that the State did not always make enough Buddhist teachers available to meet student demand. They described the looting and destruction of temples, as well as the harassment of Buddhist monks and other Buddhists by Muslim extremist groups. In this context, they deplored the absence of a genuine police reaction. They also said that Buddhists suffered discrimination with respect to public-sector jobs (there were very few Buddhists in the civil service, and Buddhists very rarely held positions of responsibility, despite the fact that they possessed the required qualifications and experience). Finally, they noted that most Government funds allocated to Buddhists were now allocated to ethnic communities of Buddhist confession in the Chittagong Hill Tracts.

### **2. Christian minority**

63. Bangladesh's Christian minority comprises all the main Christian denominations, especially Catholicism and Protestantism, but also many others (around 50 denominational churches, mission bodies, and other gospel-centred organizations). The Special Rapporteur was able to interview Anglican and Catholic religious officials.

#### **(a) Anglican community**

64. The representatives of the Anglican Church said that the Government did not present obstacles in the area of religious affairs. However, they did describe difficulties encountered by foreign missionaries in their attempts to win converts among Muslims (difficulties that could even lead to expulsion), as well as difficulties encountered by all Muslims converting to Christianity. They thought that their community's situation should be improved. They wished to see an end to discrimination against Christians with respect to access to public sector employment, including access to police and army jobs. They said that Muslims (with the exception of the liberal and secular elite, who

favoured religious harmony) regarded them with suspicion. This was due to several factors, such as stereotypes representing Christians as anti-Muslim (because of the Crusades); an extremely restrictive civil society; and the absence of any real interchange between the Christian and Muslim communities, especially in urban environments. Because of this suspicion — which in their view was rooted in ignorance and intolerance of others — Muslim officials had, for example, opposed plans to extend a Dhaka church, on the grounds that Anglican hymns were too noisy (this, despite the fact that mosques used loudspeakers for prayer). However, the Anglican officials stressed that extremist Muslim groups were responsible for manipulating the uneducated Muslim population, against Christians. As a result, Christians were accused of being agents of an “anti-Islam” West — particularly during certain international events. For example, it was recalled that during the Gulf War, the Anglican church in Old Dhaka had been attacked by a crowd of Muslims trained by extremists.

#### **(b) Catholic community**

65. The Catholic officials said that they were not subject to Government interference. However, they noted that the situation for Catholics was not entirely without difficulties. The officials said that despite constitutional guarantees concerning freedom of religion and religious practice, it was not possible in practice to engage in conversion activities among the Muslim population. They added that any Muslim converting to another religion — as a result of a mixed marriage, for example — was forced to go into hiding, and even to leave Bangladesh, in order to avoid public condemnation. With regard to the teaching of religion in public schools, the officials lamented the fact that the authorities did not, in practice, recruit Christian teachers, even though there were enough Christian students to justify such recruitment. Indeed, it was pointed out that Muslim, and sometimes Hindu, teachers were in charge of Christian teaching, even though they were not qualified to do so. Because of this, the Catholic Church organized Christian teaching at its own institutions, outside normal school hours. However, the Catholic officials said that this was not the best solution, as it excluded students who could not pay the cost of transporting them to the Catholic institutions offering this teaching.

66. With regard to places of worship, it was pointed out that extremist Muslim groups often opposed the use of bells and loudspeakers for hymns. This hostility could even be translated into acts of violence during certain international events, such as the Gulf War, which were immediately interpreted by extremists as attacks by the West against Islam. It was explained that on such occasions, extremists would take it upon themselves to train crowds of Muslims, urging them to commit acts of destruction or looting against places of worship belonging to the Christian community, which would be accused of working on behalf of an “anti-Muslim” West. The officials deplored the passive, even complicit approach taken by the police in such situations. The officials noted that even beyond specific international events, there was a strong current of anti-Christian activism. For example: on 28 April 1998, the Saint Francis Xavier’s Girls High School suffered attack, looting, and damage to property at the hands of a crowd of Muslims. They had been spurred on by extremists using mosque loudspeakers to accuse the Catholic authorities (falsely, as they well knew) of having destroying the mosque (see communication by the Special Rapporteur, E/CN.4/1999/58, para. 36). The incident was part of a conflict over boundaries, and the extremists were seeking to oppose renovation work being carried out on a Catholic Church property adjacent to a mosque. It was again noted that during these serious incidents, the forces of law and order remained largely passive. The Catholic officials also lamented the fact that, due to electoral considerations, the Prime Minister had not responded to their request for a public condemnation of such attacks or to their request for symbolic reparations. They also noted that legal decisions in favour of the Catholic Church, concerning the use of their property, had not been applied, because extremist Muslims had opposed their application on a variety of grounds. The officials also wished to see an end to discrimination against Christians in the area of public-sector jobs, especially positions of responsibility. The officials expressed the wish that Christian nationals be able to enjoy all the rights deriving from their Bangladeshi citizenship.

#### **3. Hindu minority**

67. The Hindu representatives said that they were able to enjoy freedom of religion and worship, without interference from the authorities, as well as Hindu religious holidays. They expressed dissatisfaction, however, with regard to their community’s situation.



They stressed the insecurity felt by Hindus, due partly to the Vested Property Act, which was used for the illegal appropriation of their land, especially by Mafia-like groups enjoying political protection. They also described the vulnerability of the Hindu community, which suffered the condemnation of crowds incited by Muslim extremists during certain international events (for example, temples were destroyed, Hindus murdered and Hindu women raped following the destruction of the mosque at Ayodhya, India, in 1992). They also noted the insecurity felt by Hindu women, who were often victims of harassment and rape carried out by criminal elements of society, without the police properly exercising their functions of protection and suppression. They said that all these various offences had driven Hindus from Bangladesh (they noted that, according to the 1991 census, the number of Hindus had declined by 0.3 per cent since 1974). They called for State assistance in the restoration of temples that, in their view, constituted part of the nation's heritage. The temples in question were those at Chandranath, Langal bandh, Mahaprabhu, Dacca Dashkia, Para Tirtha, and Adwaita Prabhu. Lastly, they called for an end to discrimination against Hindus with respect to public-sector jobs and positions of responsibility, including army and police jobs.

### **C. Religious situation of the ethnic communities of the Chittagong Hill Tracts**

68. The Special Rapporteur would like to point out that the Constitution does not formally recognize ethnic communities as ethnic minorities or indigenous populations. However, in her 1999 speech to the Hague Appeal for Peace Conference, she referred specifically to the question of the Chittagong Hill Tracts and to the right of an indigenous people — an ethnic, religious, cultural, linguistic and social minority — to preserve their own identity, culture, tradition and values. The Special Rapporteur's consultations with the authorities and with representatives of ethnic communities focused on the status of indigenous populations in the Chittagong Hill Tracts — especially their religious status. Analysis of this highly complex question is necessary for the reasons cited above, in the extract from the Prime Minister's speech: the issue is the preservation of the identity of the indigenous peoples of the Chittagong Hill Tracts. That identity is multifaceted — mainly ethnic in nature, but also

religious. Thus, in order to analyze the situation of the ethnic communities of the Chittagong Hill Tracts, we should look briefly at the origins of the conflict that has characterized this region; at the Peace Accord of 1997; and at the implementation of that Accord.

69. As far as the origin of the conflict is concerned, non-governmental sources (particularly ethnic communities) noted that under the British administration, the Chittagong Hill Tracts had enjoyed a special autonomous status under which the sale or transfer of land to non-indigenous populations was prohibited. After Pakistan gained independence in 1947, the region lost that special status, particularly as a result of a constitutional amendment introduced in 1963. The Government authorized and encouraged the settling of non-indigenous populations in the Chittagong Hill Tracts, as well as the transfer of land ownership and other resources to non-indigenous populations. The Government also decided to exploit the hydroelectric potential of the Chittagong Hill Tracts, with the construction of the Kaptai Dam between 1957 and 1963. As a result of this project, a substantial portion of the region's agricultural land (most of which belonged to the Chakma) disappeared, and around 100,000 indigenous people were displaced. Non-governmental sources said that because project rehabilitation measures were inadequate, some 40,000 indigenous people migrated to India at that time. This policy was pursued after Bangladesh gained independence, despite the demands made in 1972 by indigenous people for the restoration of the Chittagong Hill Tracts' special status. From that point onward, land-related conflicts between the indigenous people and the newly arrived Bengalis (virtually all of whom were Muslim, unlike the indigenous population, which was largely non-Muslim) represented a source of conflict with the Government. The military solution chosen by the Government led to violence, especially after 1980, between the armed forces, associated with the new Bengali population, and the indigenous people, especially the organization Chattagram Jana Samhati Samiti (PCJSS) and its armed division, Shanti Bahini. The various attempts made by the Bangladeshi Government to resolve the conflict ultimately led to the Peace Accord of 2 December 1997.

70. The Accord provides for the setting up of a Regional Council for the Chittagong Hill Tracts. This Council must be composed of "Local Government Councils of the Three Hill Districts." Two-thirds of its

members must be elected from among the indigenous population of the Chittagong Hill Tracts (with each community being allocated a certain quota), and one-third from among the region's non-indigenous population. The President of the Council must be a member of the indigenous population, and holds the rank of Minister of State. The Council must have powers of supervision and coordination in areas such as law and order, general administration, traditional law and social justice, as well as development activities. A Land Commission must also facilitate regulation of land-related conflicts — especially those related to the restoration of property stolen from the indigenous population. The Accord also provides for the granting of an amnesty to members of the Shanti Bahini and the PCJSS; for the rehabilitation of indigenous refugees and displaced persons (especially through the Land Commission); for withdrawal from temporary military camps and village defence camps; and for the creation of a Ministry for the Chittagong Hill Tracts, assisted by a consultative committee (comprising the Minister of the Chittagong Hill Tracts, the President/representative of the Regional Council and each district council, three members of parliament for the Chittagong Hill Tracts, three leaders of indigenous communities, and three non-indigenous members who are permanent residents of the Chittagong Hill Tracts).

71. With respect to implementation of the Accord, all indigenous community representatives consulted by the Special Rapporteur lamented the obstacle, and the delays that had been built up. Doubts had even been expressed as to whether the Government genuinely desired to make the Accord succeed. Of primary concern in this context was the fact that the Government had not transferred to the Regional Council the majority of the powers provided for under the Accord, thus rendering the Council inoperative. As a result, the Government continued to administer the Chittagong Hill Tracts directly (through its local representatives, the Deputy Commissioner and the army). Mention was also made of the delay in the setting up of the Land Commission (two and a half years) and in the return of land; the fact that a large part of the military presence had been maintained; and the fact that rehabilitation of displaced persons and refugees was still incomplete. It was further noted that Bengalis continued to be settled in the Chittagong Hill Tracts. Although this process had not been planned by the Government, it did benefit from assistance

provided by local authorities (distribution of food rations and allocation of housing) and Muslim extremists. Because of the lack of arable land in the Chittagong Hill Tracts, it was stated that apart from the Bengalis who were settled during the British period, and the few Bengalis who had settled legally, the rest of the Bengali population should return their land to the indigenous population and be resettled outside the region. It was explained that this was a precondition for any reconciliation between the authorities and the Bengalis, because the land was key to the survival and identity of the indigenous peoples in the region, and the essential and fundamental means for guaranteeing their survival and identity.

72. Apart from the issue of the implementation of the Peace Accord, with respect to the situation of indigenous peoples in the field of freedom of religion, most of those consulted said that they had been able to practise their religious activities freely since the end of the armed conflict. It was also mentioned that the army had stopped destroying indigenous places of worship. However, many representatives of the indigenous community described how they had been traumatized by the incident of 16 October 1999. Following an altercation between indigenous people of the Jumma tribe, which had arisen after a Bengali soldier had molested a Jumma woman, the army — assisted by around 150 Bengali civilians — attacked the Jumma of Babu Chara Bazar at Dighinala Thana/Khagrachari, leading to the deaths of three members of the indigenous population. The assailants also proceeded to sack the Buddhist temple of Benuban, attacked monks, and damaged statues of the Buddha. Even though a commission of enquiry had been set up, and some victims compensated, this particular incident had created a genuine feeling of insecurity among lay and religious members of the indigenous community in the Chittagong Hill Tracts, who were faced with an army and a police force consisting entirely of Muslim Bengalis. Those consulted also explained that their communities were subject to covert pressure from Islamic non-governmental organizations, and even Muslim extremist groups seeking to convert them to Islam, notably in return for services or money. Certain representatives interpreted the financial assistance provided by the State for the construction of new madrasahs and mosques as a discriminatory policy favouring Islam, since, in contrast, indigenous religious institutions received meagre public subsidies.

73. Mr. Shantu Larma, one of the main spokespersons for the ethnic communities in the Chittagong Hill Tracts, and President of the Regional Council, said that the failure to implement the Peace Accord, as well as the incidents reported above, threatened the survival of the cultural and religious identity of indigenous populations. He noted that between 1947 and the present, the Bengali Muslim population in the Chittagong Hill Tracts had risen from 2.7 per cent to 50 per cent, and called upon the UN to persuade the Bangladeshi Government to grant the independence necessary for the preservation of indigenous populations, their culture, traditions, and religion, and thereby to ensure full implementation of the 1997 Accord.

## V. Status of women

74. The information provided below reflects the Special Rapporteur's consultations with non-governmental organizations either representing women or working for their emancipation, and with experts. By way of comparison, reference might be made to the information supplied by the authorities (see sect. II.B and III.A).

75. Non-governmental representatives stressed that the status of women in Bangladesh was problematical in terms of individual human rights. Most of those interviewed recognized that government action programmes had made possible a certain amount of progress — notably the adoption of laws and other legal provisions in favour of women. In this regard, it was stressed that the status of women in Bangladesh was not entirely comparable to that of women in certain Muslim countries — particularly countries of the Middle East. However, the representatives mentioned the limited impact of the advances referred to above, and also described conditions that were detrimental to women, in numerous areas that were not fully, effectively, or efficiently covered by government action.

76. Special mention was made of the difficulties involved in implementing legislation protecting women's rights, particularly in rural areas, largely because of traditions — notably religious traditions or those attributed to religion. For example, it was explained that legislation on the registration of marriages and the minimum age for marriage conflicted with the widespread practice of forcing

minors to marry (aimed mainly at preventing all extramarital sexual relations, which are subject to cultural and religious prohibitions). According to some non-governmental estimates, around 800,000 minors were married without their consent every year. These marriages involving minors (which are illegal under positive law) are not, of course, registered by the authorities, as required under the law on the registration of marriages. It has also been estimated that many marriages, including those involving women of legal adult age, were not registered. This was especially the case in rural areas, due either to the fact that people were not informed about the requirement to register, or to certain illegal practices on the part of officials who demanded money for the registration of marriages. This apparently widespread situation of non-registration of marriages is especially harmful because it encourages the practice of repudiation, and thus reveals the limited implementation of divorce laws. Despite the existence of the Anti-Dowry Prohibition Act, this situation also helps to maintain the tradition of the dowry, thereby placing women in the humiliating position of being objects of bargaining. This practice also contributes to the vulnerability of wives, who are sometimes victims of violence on the part of their husbands concerning goods inherited or due to be handed down by the parents to the married women. According to non-governmental sources, 239 women were subject to dowry-related violence in 1998. Of those victims, 60 per cent were murdered, and three per cent committed suicide. Many wives apparently suffered acid attacks — a practice that appears to be widespread within the context of dowry-related conflicts.

77. Experts stressed the Government's inaction with respect to polygamy. They said that current legislation authorizing polygamy whenever permission had been granted by the first wife was wholly contrary to human rights and to the dignity of women. While recognizing that the practice of polygamy was very limited (estimates say it occurs in one out of every 60 marriages) — mainly due to economic factors and changing attitudes — they called for the practice to be prohibited by law.

78. With respect to the difficulties involved in implementing the aforementioned legislation, it was stressed that these obstacles were especially serious because they favoured religious personal laws, which

were regarded as often discriminatory with regard to Muslim women and women of other faiths.

79. With regard to Muslim women, it was noted that the 1961 Muslim Family Ordinance was favourable to women, especially in the areas of marriage and inheritance. With respect to divorce, it was explained that reform had made it possible, through the Muslim Marriages and Divorces (Registration) Act of 1974, to guarantee certain rights to Muslim women (3-months' advance notice and the right to appeal to the courts; mandatory registration of divorce; pension; etc.). However, it was stressed that these advances were being undermined, notably by the practice of repudiation, and especially in rural areas, because many marriages were not registered.

80. The status of women seems to be especially problematical with regard to the Hindu minority. Mention was made of religious personal laws governing the Hindu community, sources of discrimination in the area of inheritance, divorce, and childcare. According to non-governmental representatives, these laws do not recognize any right of inheritance for women with respect to parental property. This discrimination does in fact encourage the practice of the dowry, and hence the related violations mentioned above. Furthermore, according to non-governmental experts, these religious personal laws make no provision for the registration of Hindu marriages and deny women any right to divorce. According to these same interviewees, since 1956 — despite protests from women's organizations — governments have refused to amend religious personal laws in favour of the rights of Hindu women, despite the fact that the same reform has been introduced for Muslims. Unfortunately, the Special Rapporteur was not able to gather information about the status of women from other minorities, within the framework of their religious personal laws.

81. The experts also described acts of discrimination against women in the area of religious practice. It was noted that whereas most mosques in urban areas were forbidden to women (there were a few rare places of worship where special facilities had been provided, allowing women access to mosques), in rural areas, virtually all Muslim places of worship were reserved exclusively for men. Reference should also be made to the statements made by Muslim religious officials in Dhaka and Rangamati (see sect. IV.A).

82. These acts of discrimination against women in Bangladesh, whatever their religious affiliation, were attributed by the various non-governmental sources to traditions (especially religious traditions or those ascribed to religion) as well as to the preservation of a patriarchal system. In this respect, the fact that some women held key positions in Bangladesh was not considered to reflect the overall situation in the country. According to non-governmental sources, women's access to these "positions of power" was in fact limited, and dependent upon membership of powerful families.

83. In addition to this symbolic violence of discrimination, experts described physical violence against women, noting that the two forms of violence were often linked. They denounced not only violence associated with the practice of the dowry, but also violence related to fatwas. These fatwas, declared in the name of the Muslim religion, are especially common in rural areas. They are declared against women who are accused — almost always wrongly — of having sexual relations outside marriage, and other behaviour subject to social and religious prohibition. In fact, however, these fatwas are declared by people who are not qualified to do so — namely, by *Shalish* Councils, members of the local clergy having a superficial or flawed religious education, local officials, extremists, or individuals enjoying the tacit support of extremist parties. Experts said that the fatwas declared by these officials were in fact designed to stifle any efforts to emancipate women. For example, women's access to work was thought to undermine roles regarded as the exclusive preserve of women and restricted to the private sphere of the family, enabling women to participate actively in public life. Such developments were regarded — especially in rural areas — as a threat to the patriarchal structure of society, and therefore to men's monopolization of power. This was the reason why the fatwas were accompanied by attacks carried out by extremists against certain Bangladeshi non-governmental organizations, which were very active in promoting women's rights. According to information provided by non-governmental sources, 43 fatwas were declared against women in 1993, and 26 in 1999. The most famous case was, of course, that of Taslima Nasreen, who was forced to flee Bangladesh after receiving death threats from extremists. However, one might also mention the case of 17-year-old Noorjahan, who on 10 January 1993, at Moulvibazar, was a victim

of a fatwa declared by the imam of the mosque, who accused him in respect of a second marriage, and sentenced him to 101 lashes. As a result of the fatwa, Noorjahan committed suicide. Following his death, and as a result of action taken by non-governmental organizations working on behalf of women and human rights, the culprit was brought to justice. These fatwas, which are entirely illegal, are especially serious because as punishment the accused are often flogged, stoned, or shunned by society. The fatwas thus constitute attacks on the physical and moral integrity of women. According to non-governmental sources, those responsible for these fatwas are usually not pursued by local officials responsible for enforcing the law. Fatwas issued by non-State actors also represent a threat to the Government's efforts on behalf of women and to women's empowerment — notably in the area of education.

84. The Special Rapporteur feels duty bound to note that the local authorities sometimes convey a very conservative, and sometimes obscurantist image of women. One senior official stated quite frankly to the Special Rapporteur that according to his interpretation of Islam, women did not belong inside mosques, that a man should not shake a woman's hand, and that in private life — including within the family — all mixing of the sexes outside marriage should be avoided (including mixing between fathers and daughters).

85. Furthermore, the experts noted that women from minorities and ethnic communities were vulnerable to violence from outside their communities. According to these experts, Hindu, Buddhist, and Christian women were obliged to endure a climate of insecurity, due to an increased risk that they would be assaulted (notably in the form of sexual harassment and rape). This increased risk stemmed from the repercussions, within Bangladesh, both of international events concerning their community (for example, the anti-Hindu attacks — which included a significant number of rapes — during the Ayodhya episode in India), and/or of the so-called honour question. With respect to the latter question, it appears to be established and common practice that attempts to subject, or commit violations against minorities and ethnic communities should take the form of threats, or actual assaults (in this instance rape) on the honour of women, who represent the honour of the whole community. This occurs, for example, within the context of conflicts, for the appropriation of property, etc. With regard to ethnic

populations, during his consultations in the Chittagong Hill Tracts the Special Rapporteur was informed by non-governmental representatives of numerous cases of attacks against the physical and moral integrity of women from ethnic populations, committed by the armed forces and non-ethnic Muslim populations during the period of armed conflict. With respect to the period since the Peace Accord, emphasis was given to the incident of October 1999, which was so traumatic for the ethnic communities of the Chittagong Hill Tracts (see para. 72).

86. In addition to the various factors described above (traditions — notably religious traditions or those attributed to religion; cultural social and religious taboos), non-governmental representatives lamented the fact that school textbooks did not convey a positive image of women, despite the efforts of UNICEF, in particular. Mention was also made of the especially harmful role of Muslim extremists. Indeed, it was considered that Muslim extremists profited from a difficult socio-economic system, under which most people sought refuge in religion, but were, unfortunately, guided by religious officials who were often incompetent, and/or close to extremists. It was further pointed out that the absence of girls and women as students and teachers within the madrasahs conveyed a message that was unfavourable to women and contrary to enlightened religious education.

## VI. Conclusions and recommendations

87. In formulating the following conclusions and recommendations concerning legislation, politics, and the situation with regard to religion and belief, the Special Rapporteur has paid particular attention to the status of women.

88. With regard to legislation, the Special Rapporteur considers that constitutional measures guarantee freedom of religion and belief and their manifestations, in accordance with relevant international law. Furthermore, the Constitution guarantees the principle of non-discrimination, especially with respect to religion and gender. With regard to the constitutional recognition of Islam as the State religion, the Special Rapporteur would like to recall that, under international law, a State, or official religion is not in itself contrary to human rights. However, this fact — which indeed is enshrined within the Bangladeshi Constitution — must not be exploited at the expense of

the human rights of minorities or rights that derive from citizenship and imply non-discrimination between citizens, based on, among other things, considerations of faith and belief. The question of the treatment accorded to minorities will be considered below.

89. With regard to other legal provisions, the penal code protects freedom of religion or belief and their manifestations. Penalties are notably provided in the case of all offences against religion, such as the destruction of places of worship and religious objects, disturbance of religious activities (for example, religious ceremonies), desecration, and defamation of religions.

90. With respect to religious personal laws, problems of compatibility arise, not only with regard to national legislation (the Constitution), but also with regard to international law. Religious personal laws do discriminate against women, and therefore undermine the constitutional principle of equality for all, regardless of gender or religious affiliation. Efforts certainly have been made in this regard, but they have been limited to certain areas and communities, such as the reform of 1974, which made it possible to guarantee certain rights under the law to Muslim women, in the area of divorce. These advances must be pursued, and extended to all problem communities and spheres (inheritance, marriage, childcare, etc.). For example, Hindu women must be given the legal right to divorce and inheritance. The Special Rapporteur noted with pleasure the initiatives undertaken in the realm of positive law, with a view to improving the protection of women, such as the adoption of laws on the registration of marriage and divorce, the minimum age for marriage, and the banning of the dowry system. These initiatives must be pursued, and efforts must be made to ensure their concrete implementation, especially in rural areas, in order to combat religious traditions or traditions attributed to religion, which perpetuate, among other practices, the illegal practice of forcing minors into marriage. Also in the context of these initiatives, it is imperative that a legal ban on polygamy be introduced.

91. Concerning the Vested Property Act, it is of urgent importance that the process of formulating and adopting new legislation in this area reach a successful conclusion. However, it is essential to ensure that the Hindu community and the Hurukh/Oroan tribes (who are the main victims of this law) be consulted, and included in this exercise, and that their right to

property be fully restored to them, notably through the return of stolen property and through compensation. In any event, and in a general sense, the Government must take the appropriate measures — including legal measures — to ensure that the right to property be protected and guaranteed for all, regardless of religious or ethnic affiliation. This point is especially important due to the combination of Bangladesh's difficult economic situation and its very high population density, as a result of which land is a rare and highly sought after resource, and hence a source of conflict.

92. With regard to the influence of the politic sphere on religion and belief, the Special Rapporteur considers that the State does, in general, respect freedom of religion and belief and their manifestations, in accordance with international human rights standards in this area. The authorities permit religious practice, the building of places of worship, religious instruction, journeys abroad by religious officials, the maintaining of contacts with adherents of the same religion living abroad, etc. Similarly, the State provides public funding to different religious communities, and recognizes religious festivals as national festivals that may have the status of holidays. Generally speaking, the State does not interfere in the religious affairs (in the strictest sense of the term) of religious communities. It should be stressed that no religious community is subject to a prohibition on the part of the authorities. The Ahmadis, who are not recognized as an Islamic religious community in many Muslim countries, are recognized as Muslims by the State of Bangladesh, and may exercise their religious activities in complete freedom (notably, they may build their mosques). Thus, from this point of view, the situation is in fact entirely satisfactory.

93. Furthermore, while recognizing Islam as the State religion, the State declares its commitment to secularism and religious harmony, whether with regard to the Muslim majority, religious minorities, or ethnic communities.

94. However, the situation of religious and ethnic communities is not without its problems. Nevertheless, it should first be noted that in Bangladesh, one cannot talk in terms of the repression of these communities. Another point that should be stressed is the complexity of the various situations. The obstacles, intolerance, and discrimination that can affect religious and ethnic communities are due to a combination of several factors: especially political and religious factors, but

also economic and religious factors, such as poverty, illiteracy, and the weight of tradition. It is clear that poverty is the primary and crucial problem in Bangladesh, to the extent that all the other problems can seem secondary in comparison. However, while bearing in mind the economic and social context in Bangladesh, which is common to all developing countries, it seems that the key common denominator with regard to the problems described is the exploitation of religion by the political sphere.

95. Although historically, one of the founding principles of Bangladesh was non-interference in religion and politics, constitutionally recognized through the principle of secularism and the ban on religious parties, these principles have gradually been undermined, especially during military coups d'état. The Constitution was amended by military leaders in order to establish Islam as the State religion. Their intention was to exploit the Muslim majority's commitment to Islam, in order to legitimize their hold on power. This measure also facilitated the return of those who had originally opposed Bangladeshi independence: Jamat-e-Islami, a religious party generally regarded as extremist. The restoration and legitimization of this party effectively sanctioned the politicization of the religious sphere, to the detriment of the State, society, and hence all religious communities. The exploitation of Islam within the political sphere in fact allowed extremists — including Jamat-e-Islami — to gain parliamentary representation, and led other parties to employ a similar strategy. Thus, despite its commitment to secularism, the party presently in power used religious symbols such as the Koran and the veil during the last electoral campaign. Despite its Government's progressivism in declaring itself in favour of religious harmony, religious and ethnic diversity, and the demarginalizing of vulnerable groups, including women, and in negotiating a Peace Accord in the Chittagong Hill Tracts, the Government now seems to be trapped by its purely electoral strategy of incorporating religion into the political sphere.

96. First of all, the State appears more sensitive to the interests of Muslims. For non-Muslim minorities and ethnic groups, this is reflected especially in obstacles encountered with respect to access to public-sector jobs, especially positions of responsibility, weaker financial support for the religious institutions of these communities, and the teaching of their religion in public schools. This approach also appears to be the

reason for the delays in full implementation of the Peace Accord in favour of the ethnic communities of the Chittagong Hill Tracts.

97. Also, the State appears to be powerless, or at least weakened, in its efforts to combat religious extremism, to the detriment of Muslims, minorities, and women. Indeed, apparently for fear of offending the religious feelings of the majority — who are often poor and illiterate, and have a superficial and traditional knowledge of religion — the authorities do not appear to be earnest in their efforts to combat the harmful effects of religious extremism. Thus, a climate of insecurity affects the Ahmadis, religious minorities, and women of all faiths, due to sporadic, but traumatic attacks against Ahmadi and non-Muslim institutions (particularly places of worship); the stealing of land (especially Hindu land), or attempts to appropriate assets illegally; threats against women; or fatwas declared against Muslims. In the face of these attacks, which are organized and/or encouraged by extremists, the State does not appear to be playing its role of suppression or its role of prevention. In the majority of cases, during attacks against Ahmadis and minorities, intervention by the forces of law and order is questionable, because officers often either do nothing or are slow to offer assistance. Furthermore, those responsible are rarely identified or pursued. The Special Rapporteur would, however, like to pay tribute to the attention brought by the Government to the problem represented by fatwas in the context of its National Action Plan for Women's Advancement, and would encourage the Government to implement its recommendation aimed at combating the practice of the fatwa.

98. For the reasons outlined above, the State also seems to be at a standstill with regard to all those initiatives that are regarded as unpopular, but are necessary in terms of human rights, such as the re-examination of the Vested Property Act, the adoption of legislation in favour of women, notably the reform of religious personal laws and the abolition of polygamy, as well as measures (including through sanctions) to implement laws on the registration of marriages and divorce and the minimum age for marriage.

99. It is vital that Bangladesh combat religious extremism, which constitutes a real danger. Although extremists — in particular the Jamat-e-Islami party — do not hold many seats in Parliament, they nonetheless

remain very active in terms of educating or attempting to provide guidance to Muslims, especially through the mosques and madrasahs and the Islamic non-governmental organizations providing assistance to the most destitute members of society. There is clearly intolerance — especially on the part of religious officials, and sometimes even on the part of local authorities. This is glaringly evident from the fatwas and the restrictions imposed upon Muslim women in their practising of religion (such as the ban on women in mosques). These public-sector actors do, and can exert a real and harmful influence over the Muslim majority, which is easily manipulated. This is shown by the absence of a popular reaction against the fatwas and the social boycotting of the fatwa victims, as well as the manipulation of the crowds in the attacks against minorities. These actions threaten to undermine an entire process of evolution achieved within society as a whole — a process marked by progressive and enlightened thinking. In particular, these actions threaten to undermine the emancipation of marginalized groups, such as women, promoted by the Government, notably through various related legislative initiatives and action programmes.

100. While recalling that, in general, State policy respects freedom of religion or belief and their manifestations, and is not opposed to religious and ethnic communities or designed to oppress women, the Special Rapporteur has formulated the following recommendations with regard to the problems described above.

101. First of all, the Special Rapporteur recommends that religion be protected from all forms of political exploitation, since such exploitation is detrimental to both the political and religious spheres, and hence to the State, society, and, more especially, to religious and ethnic communities and to women.

102. The Special Rapporteur therefore recommends that the State combat extremism, which is essentially simplistic and obscurantist.

103. In this regard, it is important that any direct or indirect involvement of extremists in attacks against Ahmadis, minorities, ethnic communities, and women be systematically pursued in the courts and combated, notably through education.

104. It is also vitally important that the State take the necessary measures to protect the mosques and madrasahs from all efforts at indoctrination on the part

of extremists, so that places of prayer, contemplation and religious education do not become instruments of intolerance, discrimination, or hatred.

105. The Special Rapporteur also recommends that the State implement a policy of prevention, and especially to pursue its efforts in the area of education and to broaden those efforts into a genuine culture of human rights. This education policy must in particular address religious officials, who must receive more rigorous training. This means it must teach a perfect understanding of Islam, its diversity, and its values of tolerance, and train religious officials to respect other religions and faiths, as well as in the principles of human rights, non-discrimination, and tolerance, especially with regard to women. This education policy must also address the rest of society, and especially Bangladesh's future citizens (its pupils and students). In this respect, it is recommended that the State revise its primary-school textbooks and curricula, in order to ensure that the religious and ethnic diversity of Bangladesh are reflected in such a way that each religion is presented in an objective manner, and in order to promote the values of tolerance and non-discrimination. This education policy should help ensure that the values of tolerance and non-discrimination become fixed in the people's minds, and remove socio-religious interdicts and taboos such as those affecting women and the mixing of religions (for example, marriages between people of different religions, and conversions — especially conversions from Islam to another faith). It is also important that the Government pay particular attention to what is actually being taught in the madrasahs, and to what is being practised in the madrasahs on a day-to-day basis.

106. The Special Rapporteur recommends that the State take appropriate measures to ensure that the media are open to the religious and ethnic pluralism of Bangladesh, and that it therefore educate the population in the virtues of celebrating diversity.

107. The measures recommended above with respect to suppression and prevention must make it possible to confront the development of extremism and, notably, to protect Bangladesh from the consequences of this scourge, which is rampant around the world, including in Asia. In particular, they must also make it possible to combat political exploitation of religion by extremists, and the tendency for this practice to be taken up by other, non-extremist (and especially secular) parties.



108. The Special Rapporteur also recommends that the State be more aware of the legitimate claims of minorities and ethnic communities:

(a) To this end, it is essential that members of these communities be given access — without hindrance or discrimination, and in accordance with the constitutional principle of equality — to public-sector jobs, and especially to positions of responsibility. The Special Rapporteur recommends that positive-discrimination measures (which are recognized, moreover, under Article 29 b) of the Constitution) be taken by the Government with regard to the recruitment and promotion of members of minorities and ethnic communities, especially within the police and the army. It is also recommended that civil service entrance-examination boards and those responsible for career development should include non-Muslim members. Everything must be done to ensure that members of minorities and ethnic communities are treated as full citizens, that their concerns are properly addressed, and that they are able to enjoy all their rights and contribute towards the general interest.

(b) The State must also examine, with complete objectivity, the needs of minorities and ethnic communities, especially with regard to the funding of religious institutions and religious training. It must also ensure that the public funds allocated are sufficient and distributed equally among all communities (Muslim and other faiths) with a view to encouraging tolerance and non-discrimination.

(c) The security of minorities and ethnic communities — especially of religious institutions — must be fully and effectively guaranteed by the State.

(d) Concerning, in particular, the ethnic communities of the Chittagong Hill Tracts, while bearing in mind the complexity of the situation and stressing the essential contribution of the Government in the 1997 Peace Accord (for which the Prime Minister received the UNESCO peace prize), the Special Rapporteur encourages the authorities to apply this Accord fully, and as rapidly as possible. Enormous difficulties certainly do exist, such as the resettlement of Bengalis outside the Chittagong Hill Tracts, which seems to be a very difficult enterprise. However, this Accord is fundamental for the survival of the ethnic communities of the Chittagong Hill Tracts and the preservation of their ethnic, religious, and cultural identity. As demonstrated by the incident of October

1999, implementation of this Accord is an absolutely fundamental precondition for any process of reconciliation and for peace.

109. The Special Rapporteur further recommends that efforts be made to develop dialogue between the country's different religions — certainly among leaders of each community, but above all at the local level, and especially in urban areas, among adherents of all the various religions. Their involvement in joint religious programmes, for example, is strongly encouraged.

110. Finally, the Special Rapporteur encourages present initiatives aimed at establishing a national commission for human rights, while recommending that such a commission conform to the Paris principles, and that its members should include not only women, but also non-Muslims.

111. The Special Rapporteur recommends, lastly, that Bangladesh — which deserves the understanding and support of the international community — benefit from the technical cooperation and consultancy services of the United Nations Commission on Human Rights. This will enable Bangladesh to receive assistance in the implementation of some of the above recommendations, especially with regard to education and to indigenous minorities and populations.

112. The Special Rapporteur believes that these recommendations are fully compatible with Government policies aimed at the development of Bangladesh, and in particular those policies concerned with the struggle against poverty, social and economic equalities, and the demarginalizing of vulnerable groups, including women. Indeed, implementation of these measures can help toward the development of Bangladesh, which is a priority objective with respect to the implementation of all human, economic, social and cultural, and civil and political rights, to be enjoyed by all, regardless of religious or ethnic affiliation.